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REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

Algeria, Bangladesh, Bhutan, Bolivia, Colombia, Costa Rica, Democratic People's Republic of Korea, Ecuador, Egypt, Ethiopia, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Mexico and Viet Nam: draft resolution

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the use of nuclear weapons poses the most serious threat to the survival of mankind,

Convinced also that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and contribute to the climate for negotiations leading to the ultimate elimination of nuclear weapons,

Welcoming the START II agreement between the Russian Federation and the United States of America aimed at reducing the strategic arsenals to 3,000 for the Russian Federation and 3,500 for the United States by the year 2003;

Conscious that the recent steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of complete elimination of nuclear weapons,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, 1/ it is stated that all States should

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1/ Resolution S-10/2.

actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Stressing that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Noting with regret that the Conference on Disarmament, during its 1993 session, was unable to undertake negotiations on this subject,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a possible basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. Also requests the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

Annex

DRAFT CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____